

**BIRCH, STEWART, KOLASCH & BIRCH, LLP**

**INTELLECTUAL PROPERTY LAW**  
**8110 GATEHOUSE ROAD**  
**SUITE 500 EAST**  
**FALLS CHURCH, VA 22042-1210**  
**USA**

(703) 205-8000

FAX: (703) 205-8050  
(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com  
web: http://www.bskb.com

**CALIFORNIA OFFICE**  
**COSTA MESA, CALIFORNIA**

JAMES T. ELLER, JR.  
SCOTT L. LOWE  
D. RICHARD ANDERSON  
PAUL C. LEWIS  
MARK W. MILSTEAD\*  
RICHARD J. GALLAGHER  
JAYNE M. SAYDAH\*  
MARYANNE ARMSTRONG, PH.D.  
KECIA J. REYNOLDS  
ROBERT L. SCOTT, II  
KALPANA REDDY  
LARRY J. HUME

REG. PATENT AGENTS:  
FREDERICK R. HANDREN  
MAKI HATSUMI  
CRAIG A. MCROBBIE  
GARTH M. DAHLEN, PH.D.  
ROBERT E. GOOZNER, PH.D.  
MATTHEW J. LATTIG  
TIMOTHY R. WYCKOFF  
KRISTI L. RUPERT, PH.D.  
HAYR A. SAYADIAN, PH.D.  
MATTHEW T. SHANLEY  
JASON W. RHODES  
CHRISTINA F. ANNICK  
SUSAN W. GORMAN, PH.D.  
DAVID J. CHO

ERRELL C. BIRCH  
RAYMOND C. STEWART  
JOSEPH A. KOLASCH  
JAMES M. SLATTERY  
BERNARD L. SWEENEY\*  
MICHAEL K. MUTTER  
CHARLES GORENSTEIN  
GERALD M. MURPHY, JR.  
LEONARD R. SVENSSON  
BERRY L. CLARK  
ANDREW D. MEIKLE  
MARC S. WEINER  
JOHN MCKINNEY MUNCY  
ROBERT J. KENNEY  
DONALD J. DALEY  
JOHN W. BAILEY  
JOHN A. CASTELLANO  
GARY D. YACURA  
THOMAS S. AUCHTERLONIE  
MARK J. NUELL, PH.D.

OF COUNSEL:  
HERBERT M. BIRCH (1905-1996)  
ELLIOT A. GOLDBERG\*  
WILLIAM L. GATES\*  
EDWARD H. VALANCE  
RUPERT J. BRADY (RET.)\*  
F. PRINCE BUTLER  
FRED S. WHISENHUNT  
JAMES W. HELLWEGE

ADMITTED TO A BAR OTHER THAN VA.

Date: June 21, 2001

Docket No.: 2360-0344P

Honorable Commissioner for Patents  
Washington, DC 20231

Sir:

This is a Request for filing a ☒ continuation ☐ divisional  
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of  
pending prior Application No. 08/981,708 filed on April 6, 1998,  
the entire contents of which are hereby incorporated by  
reference,  
by

Andreas PEIKER

for

TELEPHONE SET WITH A HANDSET HAVING A MOUTHPIECE AND/OR AN  
EARPIECE

1. ☒ Enclosed is an application consisting of specification,  
claims, declaration and drawings/photographs (if  
applicable).
2. ☒ The filing fee has been calculated as follows:

		LARGE ENTITY	SMALL ENTITY
BASIC FEE		\$710.00	\$355.00
	NUMBER FILED	RATE	FEE
	NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS	16-20 = 0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	2-3 = 0	x 80 = \$0.00	x 40 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED		+ \$270.00	+ \$135.00
TOTAL		\$0.00	\$355.00

3. ☒ A check in the amount of \$355.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. Amend the specification by inserting before the first line thereof the following:
- a. ☐ --This application is a ☐ continuation ☐ divisional ☐ continuation-in-part of co-pending Application No. 08/981,708, filed on April 6, 1998, the entire contents of which are hereby incorporated by reference and for which priority is claimed under 35 U.S.C. § 120; and this application claims priority of Application No. filed in on under 35 U.S.C. § 119.--
- b. ☒ --This application is a ☒ continuation ☐ divisional ☐ continuation-in-part of co-pending Application No. 08/981,708, filed on April 6, 1998 and for which priority is claimed under 35 U.S.C. § 120. Application No. 08/981,708 is the national phase of PCT International Application No. PCT/IB96/00606 filed on June 24, 1996 under 35 U.S.C. § 371. The entire contents of each of the above-identified applications are hereby incorporated by reference. This application also claims priority of Application No. 1843/95-9 filed in Switzerland on June 23, 1995; Application No. 575/96 filed in Switzerland on May 3, 1996; Application No. 679/96 filed in Switzerland on

March 14, 1996; Application No. 7/96 filed in Gambia on January 5, 1996; Application No. 678/96 filed in Switzerland on March 14, 1996; and Application No. 1236/96 filed in Switzerland on May 15, 1996 under 35 U.S.C. § 119.--

6. ☒ Enclosed is/are eight (8) sheet(s) of formal drawings and/or photographs.
- 7a. ☒ A statement claiming small entity status was filed in prior Application No. 08/981,708 on December 23, 1997. See the attached copy of the statement claiming small entity status.
- 7b. ☐ The current application qualifies for small entity status.
8. ☐ The prior application is assigned to \_\_\_\_\_.
9. ☒ A Preliminary Amendment is enclosed.
- 10a. ☐ Priority of Application No(s). \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on \_\_\_\_\_.
- 10b. ☒ Priority of International Appln. PCT/IB96/00606 filed on June 24, 1996 under the Patent Cooperation Treaty and Application No. 1843/95-9 filed in Switzerland on June 23, 1995; Application No. 575/96 filed in Switzerland on May 3, 1996; Application No. 679/96 filed in Switzerland on March 14, 1996; Application No. 7/96 filed in Gambia on January 5, 1996; Application No. 678/96 filed in Switzerland on March 14, 1996; and Application No. 1236/96 filed in Switzerland on May 15, 1996 under 35 U.S.C. § 119 are hereby reclaimed.
11. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
12. ☒ Address all future communications to:  
  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
Telephone: (703) 205-8000  
  
or  
Customer No. 2292
13. ☒ An extension of time for three (3) month(s) until June 21, 2001 has been submitted in parent Application No.

08/981,708 in order to establish co-pendency with the present application.

14. ☐ Also enclosed herewith is the following:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Charles Gorenstein, #29,271

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

CG/JES:ewd  
2360-0344P

Attachments

(Rev. 01/23/01)